IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5196 of 1999

V.Bojarajulu .. Petitioner

vs.

1. The District Collector,
   Office of District Collector,
   Ootacamund 643 001.

2. The Commissioner,
   Ootacamund Municipal office,
   Ootacamund

3. Town Planning Officer,
   Ootacamund Municipality,
   Ootacamund. .. Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent pertaining to the Na.Ka.No.32/98/AF1/2, dated 6.11.1998 and quash the same and to direct the second respondent to consider and dispose of the application, dated 13.11.1998, for approval of the plan submitted by the petitioner on the file of the second respondent.

For petitioner : Ms.Pushpa Sathyanarayana
For respondents : Mr.V.Manoharan
Government Advocate for R1
Mr.P.Srinivas for R2 and R3

WEB COPY

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsels appearing for the respondents.

2. It is submitted that the impugned notice had been issued, on 6.11.1998, and the petitioner had submitted a revised plan, on

https://hcservices.ecourts.gov.in/hcservices/

13.11.1998. Thereafter, the second respondent had issued a notice, dated 18.12.1998, granting the petitioner thirty days time to produce the required documents. Even though the petitioner had submitted the required documents, the respondents are initiating steps to demolish the building belonging to the petitioner without considering the application of the petitioner, dated 13.11.1998.

3. Mr.V.Manoharan, the learned Government Advocate appearing for the first respondent and Mr.P.Srinivas, the learned counsel appearing for the second and third respondents have not controverted the claims made on behalf of the petitioner. The learned counsel appearing for the second and third respondents had submitted that the revised plan application submitted by the petitioner, on 13.11.1998, and the connected records had already been returned to the petitioner and therefore, there are no records available on their files pending consideration as stated by the petitioner.

4. On such submissions being made, the petitioner is directed to re-submit the revised plan application along with the required documents to the second respondent to be considered, on merits and in accordance with law. On receipt of such revised plan application along with the required documents, the second respondent is directed to pass appropriate orders thereon, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of such application.

With the above directions, the writ petition is disposed of. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

WEB COPY

lan

To

1. The District Collector,
   Office of District Collector,
   Ootacamund 643 001.

https://hcservices.ecourts.gov.in/hcservices/

2. The Commissioner,
   Ootacamund Municipal office,
   Ootacamund

3. The Town Planning Officer,
   Ootacamund Municipality,
   Ootacamund.

1 cc to Government Pleader, SR. 69050
1 cc to Mr.T.R. Rajaraman, Advocate, Sr. 68974

Writ Petition No.5196 of 1999

AKR (CO)
kk 27/11

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/